

REFERENCE TITLE: CORP; adult probation officers

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2731

Introduced by
Representatives Smith, Alvarez, Barnes: Allen J, Jones, McComish, Reagan,
Rosati, Senators Garcia, Johnson, Rios, Soltero

AN ACT

AMENDING SECTION 38-881, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 335, SECTION 8; AMENDING SECTION 38-881, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 324, SECTION 1; AMENDING SECTIONS 38-893 AND 38-902, ARIZONA REVISED STATUTES; RELATING TO THE CORRECTIONS OFFICER RETIREMENT PLAN; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-881, Arizona Revised Statutes, as amended by
3 Laws 2002, chapter 335, section 8, is amended to read:

4 38-881. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Accidental disability" means a physical or mental condition that
7 the local board finds totally and permanently prevents an employee from
8 performing a reasonable range of duties within the employee's department, was
9 incurred in the performance of the employee's duties and was the result of
10 any of the following:

11 (a) Physical contact with inmates, prisoners, parolees or persons on
12 probation.

13 (b) Responding to a confrontational situation with inmates, prisoners,
14 parolees or persons on probation.

15 (c) A job related motor vehicle accident while on official business
16 for the employee's employer. A job related motor vehicle accident does not
17 include an accident that occurs on the way to or from work. Persons found
18 guilty of violating a personnel rule, a rule established by the employee's
19 employer or a state or federal law in connection with a job related motor
20 vehicle accident do not meet the conditions for accidental disability.

21 2. "Accumulated member contributions" means the sum of all member
22 contributions deducted from a member's salary and paid to the fund, plus
23 member contributions transferred to the fund by another retirement plan
24 covering public employees of this state, plus previously withdrawn
25 accumulated member contributions which are repaid to the fund in accordance
26 with this article, minus any benefits paid to or on behalf of a member.

27 3. "Average monthly salary" means one-thirty-sixth of the aggregate
28 amount of salary paid a member by a participating employer during a period of
29 thirty-six consecutive months of service in which the member received the
30 highest salary within the last one hundred twenty months of service. Average
31 monthly salary means the aggregate amount of compensation paid a member
32 divided by the member's months of service if the member has less than
33 thirty-six months of service. In the computation under this paragraph, a
34 period of nonpaid or partially paid industrial leave shall be considered
35 based on the salary the employee would have received in the employee's job
36 classification if the employee was not on industrial leave.

37 4. "Beneficiary" means an individual who is being paid or who has
38 entitlement to the future payment of a pension on account of a reason other
39 than the individual's membership in the retirement plan.

40 5. "Claimant" means a member, beneficiary or estate that files an
41 application for benefits with the retirement plan.

42 6. "Credited service" means credited service transferred to the
43 retirement plan from another retirement system or plan for public employees
44 of this state, plus those compensated periods of service as a member of the
45 retirement plan for which member contributions are on deposit in the fund.

1 7. "Designated position" means:

2 (a) For a county:

3 (i) A county detention officer.

4 (ii) A nonuniformed employee of a sheriff's department whose primary
5 duties require direct contact with inmates.

6 (b) For the state department of corrections and the department of
7 juvenile corrections, only the following specifically designated positions:

8 (i) Food service.

9 (ii) Nursing personnel.

10 (iii) Corrections physician assistant.

11 (iv) Therapist.

12 (v) Corrections dental assistant.

13 (vi) Hygienist.

14 (vii) Corrections medical assistant.

15 (viii) Correctional service officer, including assistant deputy
16 warden, deputy warden, warden and superintendent.

17 (ix) State correctional program officer.

18 (x) Parole or community supervision officers.

19 (xi) Investigators.

20 (xii) Teachers.

21 (xiii) Institutional maintenance workers.

22 (xiv) Youth corrections officer.

23 (xv) Youth program officer.

24 (xvi) Behavioral health treatment unit managers.

25 (xvii) The director and assistant directors of the department of
26 juvenile corrections and the superintendent of the state educational system
27 for committed youth.

28 (xviii) The director, deputy directors and assistant directors of the
29 state department of corrections.

30 (xix) Other positions designated by the local board of the state
31 department of corrections or the local board of the department of juvenile
32 corrections pursuant to section 38-891, subsection E.

33 (c) For a city or town, a city or town detention officer.

34 (d) For an employer of an eligible group as defined in section 38-842,
35 full-time dispatchers.

36 (e) FOR THE STATE SUPREME COURT, FULL-TIME ADULT PROBATION AND
37 SURVEILLANCE OFFICERS.

38 8. "Employee" means a person determined by the local board to be
39 employed by a participating employer in a designated position.

40 9. "Employer" means an agency or department of this state or a
41 political subdivision of this state which has one or more employees in a
42 designated position.

43 10. "Fund" means the corrections officer retirement plan fund.

44 11. "Fund manager" means the fund manager of the public safety
45 personnel retirement system.

1 12. "Local board" means the retirement board of the employer that
2 consists of persons appointed or elected to administer the plan as it applies
3 to the employer's members in the plan.

4 13. "Member" means any employee who meets all of the following
5 qualifications:

6 (a) Who is a full-time paid person employed by a participating
7 employer in a designated position.

8 (b) Who is receiving salary for personal services rendered to a
9 participating employer or would be receiving salary except for an authorized
10 leave of absence.

11 (c) Whose customary employment is at least forty hours each week and
12 for more than six months in a calendar year.

13 14. "Normal retirement date" means the first day of the calendar month
14 immediately following an employee's completion of twenty years of service or,
15 in the case of a dispatcher, twenty-five years of service, the employee's
16 sixty-second birthday and completion of ten years of service or the month in
17 which the sum of the employee's age and years of credited service equals
18 eighty.

19 15. "Participating employer" means an employer which the fund manager
20 has determined to have one or more employees in a designated position or a
21 county, city or town which has entered into a joinder agreement pursuant to
22 section 38-902.

23 16. "Pension" means a series of monthly payments by the retirement
24 plan.

25 17. "Retired member" means an individual who is being paid a pension on
26 account of the individual's membership in the retirement plan.

27 18. "Retirement" means termination of employment after a member has
28 fulfilled all requirements for a pension.

29 19. "Retirement plan" or "plan" means the corrections officer
30 retirement plan established by this article.

31 20. "Salary" means the base salary or base wages, shift differential
32 pay and holiday pay paid a member in a designated position for personal
33 services rendered to a participating employer on a regular monthly,
34 semimonthly or biweekly payroll basis. Salary includes amounts that are
35 subject to deferred compensation or tax shelter agreements. Salary does not
36 include any remuneration or reimbursement other than as prescribed by this
37 paragraph.

38 21. "Service" means employment rendered to a participating employer as
39 an employee in a designated position. Any absence that is authorized by an
40 employer, including any periods during which the employee is on an employer
41 sponsored long-term disability program, is considered as service if the
42 employee returns or is deemed by the employer to have returned to a
43 designated position within the period of the authorized absence.

44 22. "Total and permanent disability" means a physical or mental
45 condition that is not an accidental disability, that the local board finds

1 totally and permanently prevents a member from engaging in any gainful
2 employment and that is the direct and proximate result of the member's
3 performance of the member's duty as an employee of a participating employer.

4 Sec. 2. Section 38-881, Arizona Revised Statutes, as amended by Laws
5 2005, chapter 324, section 1, is amended to read:

6 38-881. Definitions

7 In this article, unless the context otherwise requires:

8 1. "Accidental disability" means a physical or mental condition that
9 the local board finds totally and permanently prevents an employee from
10 performing a reasonable range of duties within the employee's department, was
11 incurred in the performance of the employee's duties and was the result of
12 any of the following:

13 (a) Physical contact with inmates, prisoners, parolees or persons on
14 probation.

15 (b) Responding to a confrontational situation with inmates, prisoners,
16 parolees or persons on probation.

17 (c) A job related motor vehicle accident while on official business for
18 the employee's employer. A job related motor vehicle accident does not
19 include an accident that occurs on the way to or from work. Persons found
20 guilty of violating a personnel rule, a rule established by the employee's
21 employer or a state or federal law in connection with a job related motor
22 vehicle accident do not meet the conditions for accidental disability.

23 2. "Accumulated member contributions" means the sum of all member
24 contributions deducted from a member's salary and paid to the fund, plus
25 member contributions transferred to the fund by another retirement plan
26 covering public employees of this state, plus previously withdrawn
27 accumulated member contributions which are repaid to the fund in accordance
28 with this article, minus any benefits paid to or on behalf of a member.

29 3. "Average monthly salary" means one-thirty-sixth of the aggregate
30 amount of salary paid a member by a participating employer during a period of
31 thirty-six consecutive months of service in which the member received the
32 highest salary within the last one hundred twenty months of service. Average
33 monthly salary means the aggregate amount of compensation paid a member
34 divided by the member's months of service if the member has less than
35 thirty-six months of service. In the computation under this paragraph, a
36 period of nonpaid or partially paid industrial leave shall be considered
37 based on the salary the employee would have received in the employee's job
38 classification if the employee was not on industrial leave.

39 4. "Beneficiary" means an individual who is being paid or who has
40 entitlement to the future payment of a pension on account of a reason other
41 than the individual's membership in the retirement plan.

42 5. "Claimant" means a member, beneficiary or estate that files an
43 application for benefits with the retirement plan.

44 6. "Credited service" means credited service transferred to the
45 retirement plan from another retirement system or plan for public employees

1 of this state, plus those compensated periods of service as a member of the
2 retirement plan for which member contributions are on deposit in the fund.

3 7. "Designated position" means:

4 (a) For a county:

5 (i) A county detention officer.

6 (ii) A nonuniformed employee of a sheriff's department whose primary
7 duties require direct contact with inmates.

8 (b) For the state department of corrections and the department of
9 juvenile corrections, only the following specifically designated positions:

10 (i) Food service.

11 (ii) Nursing personnel.

12 (iii) Corrections physician assistant.

13 (iv) Therapist.

14 (v) Corrections dental assistant.

15 (vi) Hygienist.

16 (vii) Corrections medical assistant.

17 (viii) Correctional service officer, including assistant deputy
18 warden, deputy warden, warden and superintendent.

19 (ix) State correctional program officer.

20 (x) Parole or community supervision officers.

21 (xi) Investigators.

22 (xii) Teachers.

23 (xiii) Institutional maintenance workers.

24 (xiv) Youth corrections officer.

25 (xv) Youth program officer.

26 (xvi) Behavioral health treatment unit managers.

27 (xvii) The director and assistant directors of the department of
28 juvenile corrections and the superintendent of the state educational system
29 for committed youth.

30 (xviii) The director, deputy directors and assistant directors of the
31 state department of corrections.

32 (xix) Other positions designated by the local board of the state
33 department of corrections or the local board of the department of juvenile
34 corrections pursuant to section 38-891, subsection E.

35 (c) For a city or town, a city or town detention officer.

36 (d) For an employer of an eligible group as defined in section 38-842,
37 full-time dispatchers.

38 (e) FOR THE STATE SUPREME COURT, FULL-TIME ADULT PROBATION AND
39 SURVEILLANCE OFFICERS.

40 8. "Employee" means a person determined by the local board to be
41 employed by a participating employer in a designated position.

42 9. "Employer" means an agency or department of this state or a
43 political subdivision of this state which has one or more employees in a
44 designated position.

45 10. "Fund" means the corrections officer retirement plan fund.

1 11. "Fund manager" means the fund manager of the public safety
2 personnel retirement system.

3 12. "Local board" means the retirement board of the employer that
4 consists of persons appointed or elected to administer the plan as it applies
5 to the employer's members in the plan.

6 13. "Member" means any employee who meets all of the following
7 qualifications:

8 (a) Who is a full-time paid person employed by a participating
9 employer in a designated position.

10 (b) Who is receiving salary for personal services rendered to a
11 participating employer or would be receiving salary except for an authorized
12 leave of absence.

13 (c) Whose customary employment is at least forty hours each week and
14 for more than six months in a calendar year.

15 14. "Normal retirement date" means the first day of the calendar month
16 immediately following an employee's completion of twenty years of service or,
17 in the case of a dispatcher, twenty-five years of service, the employee's
18 sixty-second birthday and completion of ten years of service or the month in
19 which the sum of the employee's age and years of credited service equals
20 eighty.

21 15. "Participating employer" means an employer which the fund manager
22 has determined to have one or more employees in a designated position or a
23 county, city or town which has entered into a joinder agreement pursuant to
24 section 38-902.

25 16. "Pension" means a series of monthly payments by the retirement
26 plan.

27 17. "Retired member" means an individual who is being paid a pension on
28 account of the individual's membership in the retirement plan.

29 18. "Retirement" means termination of employment after a member has
30 fulfilled all requirements for a pension.

31 19. "Retirement plan" or "plan" means the corrections officer
32 retirement plan established by this article.

33 20. "Salary" means the base salary or base wages, overtime pay, shift
34 differential pay and holiday pay paid a member in a designated position for
35 personal services rendered to a participating employer on a regular monthly,
36 semimonthly or biweekly payroll basis, except that for the purposes of this
37 paragraph the amount of overtime included shall not include payments to the
38 member for the sale of compensatory time. Salary includes amounts that are
39 subject to deferred compensation or tax shelter agreements. Salary does not
40 include any remuneration or reimbursement other than as prescribed by this
41 paragraph.

42 21. "Service" means employment rendered to a participating employer as
43 an employee in a designated position. Any absence that is authorized by an
44 employer, including any periods during which the employee is on an employer
45 sponsored long-term disability program, is considered as service if the

1 employee returns or is deemed by the employer to have returned to a
2 designated position within the period of the authorized absence.

3 22. "Total and permanent disability" means a physical or mental
4 condition that is not an accidental disability, that the local board finds
5 totally and permanently prevents a member from engaging in any gainful
6 employment and that is the direct and proximate result of the member's
7 performance of the member's duty as an employee of a participating employer.

8 Sec. 3. Section 38-893, Arizona Revised Statutes, is amended to read:

9 38-893. Local boards; powers and duties; rules; hearings;
10 administrative review

11 A. The administration of the plan and the responsibility for making
12 the provisions of the plan effective for each employer are vested in a local
13 board. The state department of corrections, the department of juvenile
14 corrections, each participating county sheriff's department, each
15 participating city or town, ~~and~~ each participating employer of full-time
16 dispatchers for eligible groups as defined in section 38-842 ~~AND THE STATE~~
17 ~~SUPREME COURT~~ shall have a local board. Each local board is constituted as
18 follows:

19 1. For the state departments, two members who are elected by secret
20 ballot by members employed by that department in a designated position and
21 two citizens who are appointed by the governor. The director of each state
22 department shall appoint one member to the local board who is knowledgeable
23 in personnel actions. Each state department local board shall elect a
24 chairman.

25 2. For each participating county, the chairman of the board of
26 supervisors, or the chairman's designee who is approved by the board of
27 supervisors, as chairman, two members who are elected by secret ballot by
28 members employed by the participating county in a designated position and two
29 citizens, one of whom shall be the head of the merit system if it exists for
30 the group of members, who are appointed by the chairman of the board of
31 supervisors with the approval of the board of supervisors.

32 3. For political subdivisions, the mayor or chief elected official or
33 a designee of the mayor or chief elected official approved by the respective
34 governing body as chairman, two members elected by secret ballot by members
35 employed by the appropriate employer and two citizens, one of whom shall be
36 the head of the merit system if it exists for the group of members, appointed
37 by the mayor or chief elected official and with the approval of the city
38 council or governing body of the employer.

39 4. ~~FOR THE STATE SUPREME COURT, TWO MEMBERS WHO ARE ELECTED BY SECRET~~
40 ~~BALLOT BY MEMBERS WHO ARE EMPLOYED AS ADULT PROBATION AND SURVEILLANCE~~
41 ~~OFFICERS, A DESIGNEE OF THE CHIEF JUSTICE WHO IS APPROVED BY THE STATE~~
42 ~~SUPREME COURT AND TWO CITIZENS, ONE OF WHOM SHALL BE THE HEAD OF THE HUMAN~~
43 ~~RESOURCE DEPARTMENT FOR THE GROUP OF MEMBERS, APPOINTED BY THE CHIEF JUSTICE~~
44 ~~WITH THE APPROVAL OF THE STATE SUPREME COURT.~~

1 B. The appointments and elections of local board members shall take
2 place with one elective and one appointive board member, as designated by the
3 appointing authority, serving a term ending two years after the date of
4 appointment or election and the other local board members serving a term
5 ending four years after the date of appointment or election. Thereafter,
6 every second year, and as a vacancy occurs, an office shall be filled for a
7 term of four years in the same manner as provided in this section.

8 C. Within ten days after the member's appointment or election, each
9 member of a local board shall take an oath of office that, so far as it
10 devolves on the member, the member shall diligently and honestly administer
11 the affairs of the local board and shall not knowingly violate or willingly
12 permit to be violated any of the provisions of law applicable to the plan.

13 D. Except as limited by subsection E **OF THIS SECTION**, a local board
14 shall:

15 1. Decide all questions of eligibility and service credits and
16 determine the amount, manner and time of payment of any benefit under the
17 plan.

18 2. Make a determination as to the right of a claimant to a benefit and
19 afford a claimant or the fund manager, or both, a right to a rehearing on the
20 original determination.

21 3. Request and receive from the employers and from members information
22 as is necessary for the proper administration of the plan and action on
23 claims for benefits and forward the information to the fund manager.

24 4. Distribute, in the manner the local board determines to be
25 appropriate, information explaining the plan which is received from the fund
26 manager.

27 5. Furnish the employer, the fund manager and the legislature, on
28 request, with annual reports with respect to the administration of the plan
29 that are reasonable and appropriate.

30 6. Appoint a medical board, which is composed of a designated
31 physician or clinic other than the employer's regular employee or
32 contractor. If required, the local board may employ other physicians to
33 report on special cases. The examining physician or clinic shall report the
34 results of examinations made to the local board, and the secretary of the
35 local board shall preserve the report as a permanent record.

36 7. Sue and be sued to effectuate the duties and responsibilities set
37 forth in this article.

38 E. A local board has no power to add to, subtract from, modify or
39 waive any of the terms of the plan, change or add to any benefits provided by
40 the plan or waive or fail to apply any requirement of eligibility for
41 membership or benefits under the plan.

42 F. A local board, from time to time, shall establish and adopt rules
43 as it deems necessary or desirable for its administration. All rules and
44 decisions of a local board shall be uniformly and consistently applied to all
45 members in similar circumstances.

1 G. An action by a majority vote of the members of a local board which
2 is not inconsistent with the provisions of the plan is final, conclusive and
3 binding on all persons affected by it, unless a timely application for a
4 rehearing or appeal is filed as provided in this article.

5 H. A claimant or the fund manager may apply for a rehearing before the
6 local board within the time period prescribed in this subsection. A claimant
7 or the fund manager shall file an application for rehearing in writing with a
8 member of the local board or its secretary within sixty days after:

9 1. The claimant receives notification of the local board's original
10 action by certified mail, by attending the meeting at which the action is
11 taken or by receiving benefits from the plan pursuant to the local board's
12 original action, whichever occurs first.

13 2. The fund manager receives notification of the local board's
14 original action by certified mail or by receipt of written directions from
15 the local board pursuant to its original action, whichever occurs first.

16 I. A hearing before a local board on a matter remanded from the
17 superior court is not subject to a rehearing before the local board.

18 J. Decisions of local boards are subject to judicial review pursuant
19 to title 12, chapter 7, article 6.

20 K. When making a ruling, determination or calculation, the local board
21 is entitled to rely on information furnished by the employer, the fund
22 manager, independent legal counsel or the actuary for the plan.

23 L. Each member of a local board is entitled to one vote. A majority
24 of the appointed and elected members is necessary for a decision by the
25 members of a local board at any meeting of the local board.

26 M. The local board shall adopt bylaws as it deems necessary. The
27 local board shall elect a secretary who may, but need not, be a member of the
28 local board. The secretary of the local board shall keep a record and
29 prepare minutes of all meetings, forward the minutes to the fund manager
30 within forty-five days after each meeting and forward all necessary
31 communications to the fund manager.

32 N. The employer shall pay the fees of the medical board and of the
33 local board's legal counsel and all other expenses of the local board
34 necessary for the administration of the plan at rates and in amounts as the
35 local board approves.

36 O. The local board shall issue directions to the fund manager
37 concerning all benefits which are to be paid from the employer's account
38 pursuant to the provisions of the fund. The local board shall keep on file,
39 in the manner it deems convenient and proper, all reports from the fund
40 manager and the actuary.

41 P. The local board and the individual members of the local board are
42 indemnified from the assets of the fund against any liability arising by
43 reason of any act, or failure to act, made in good faith pursuant to the
44 provisions of the plan.

1 Sec. 4. Section 38-902, Arizona Revised Statutes, is amended to read:
2 38-902. Joinder agreement

3 A. County detention officers and nonuniformed employees of a sheriff's
4 department whose primary duties require direct contact with inmates may
5 participate in this plan if the board of supervisors of the county enters
6 into a joinder agreement with the fund manager to bring such employees into
7 this plan. The joinder agreement shall be in accordance with the provisions
8 of this plan. All such employees shall be designated for membership in the
9 joinder agreement unless written consent to the contrary is obtained from the
10 fund manager.

11 B. City or town detention officers may participate in this plan if the
12 governing body of the city or town enters into a joinder agreement with the
13 fund manager to bring its detention officers into this plan. The joinder
14 agreement shall be in accordance with the provisions of the plan. The
15 governing body of the city or town shall designate all detention officers for
16 membership in the plan unless written consent to the contrary is obtained
17 from the fund manager.

18 C. Full-time dispatchers may participate in this plan if the governing
19 body or agency of the employer of an eligible group as defined in section
20 38-842 enters into a joinder agreement with the fund manager to bring its
21 full-time dispatchers into this plan. The joinder agreement shall be in
22 accordance with the provisions of this plan. The governing body or agency of
23 the employer shall designate all full-time dispatchers for membership in the
24 plan unless written consent to the contrary is obtained from the fund
25 manager.

26 D. FULL-TIME ADULT PROBATION AND SURVEILLANCE OFFICERS MAY PARTICIPATE
27 IN THIS PLAN IF THE STATE SUPREME COURT ENTERS INTO A JOINDER AGREEMENT WITH
28 THE FUND MANAGER TO BRING ITS FULL-TIME ADULT PROBATION AND SURVEILLANCE
29 OFFICERS INTO THIS PLAN. THE JOINDER AGREEMENT SHALL BE IN ACCORDANCE WITH
30 THE PROVISIONS OF THIS PLAN. THE STATE SUPREME COURT SHALL DESIGNATE ALL
31 FULL-TIME ADULT PROBATION AND SURVEILLANCE OFFICERS FOR MEMBERSHIP IN THE
32 PLAN UNLESS WRITTEN CONSENT TO THE CONTRARY IS OBTAINED FROM THE FUND
33 MANAGER.

34 ~~D.~~ E. The new employer shall designate the groups of employees who
35 are eligible to participate in the plan and shall agree to make contributions
36 each year that are sufficient to meet both the normal cost of a level cost
37 method attributable to inclusion of its employees and the prescribed interest
38 on the past service cost for its employees.

39 ~~E.~~ F. Before the execution of any joinder agreement each employer
40 contemplating participation in the plan shall have an actuarial valuation
41 made, which is payable by the employer, to determine the estimated cost of
42 participation in accordance with section 38-894.

1 ~~F.~~ G. Assets under any existing public employee defined benefit
2 retirement program, except a military retirement program, that are necessary
3 to equal the actuarial present value of projected benefits attributable to
4 the employer's designated employee group, calculated using the actuarial
5 methods and assumptions adopted by the existing public employee retirement
6 program, shall be transferred from the program to this fund no later than
7 sixty days after the employer's effective date. That portion of the
8 transferred assets that is attributable to employee contributions, including
9 interest credits, shall be properly allocated to each affected employee of
10 the employer and credited to the employee's initial accumulated contributions
11 in accordance with a schedule furnished by the employer to the fund manager.

12 Sec. 5. Joinder agreement; transfer of all credited service to
13 corrections officer retirement plan; election to
14 remain in existing retirement system

15 A. Notwithstanding any other statute, if the state supreme court
16 enters into a joinder agreement with the fund manager to bring its full-time
17 adult probation and surveillance officers into the corrections officer
18 retirement plan, all credited service from any other Arizona defined benefit
19 state retirement system or plan shall be transferred to the corrections
20 officer retirement plan unless the full-time adult probation and surveillance
21 officer makes an irrevocable election to remain in the employee's existing
22 state retirement system or plan.

23 B. Assets under the existing Arizona state retirement system or plan
24 necessary to equal the actuarial present value of projected benefits
25 attributable to the transferring employee, calculated using the actuarial
26 methods and assumptions adopted by the existing Arizona state retirement
27 system or plan, shall be transferred from that system or plan to the
28 corrections officer retirement plan no later than sixty days after the state
29 supreme court's effective date of participation. That portion of the
30 transferred assets that is attributable to employee contributions, including
31 interest credits, shall be properly allocated to each affected employee of
32 the state supreme court and credited to the employee's initial accumulated
33 contributions, pursuant to a schedule that is furnished by the state supreme
34 court to the fund manager.

35 Sec. 6. Conditional enactment

36 Section 38-881, Arizona Revised Statutes, as amended by Laws 2005,
37 chapter 324, section 1 and section 2 of this act, becomes effective on the
38 date prescribed in Laws 2005, chapter 324, section 2 but only on the
39 occurrence of the condition prescribed by Laws 2005, chapter 324, section 2.